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of the State of California

2 SUSAN K. MEADOWS

Deputy Attorney General

3 State Bar No. 115092

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8  
9 Attorneys for Complainant  
Medical Board of California

10  
11 BEFORE THE  
12 DIVISION OF MEDICAL QUALITY  
13 MEDICAL BOARD OF CALIFORNIA  
14 STATE OF CALIFORNIA

14 In the Matter of the )  
15 Accusation and Petition to )  
16 Revoke Probation Against )

No. D-5282

OAH No: N 08115

16 JOHN PARKINSON, M.D. )  
17 1900 Pennsylvania Ave. )  
18 Fairfield CA 94533 )

SETTLEMENT AGREEMENT IN  
RESOLUTION OF COST RECOVERY

Bus. & Prof. Code §125.3

18 Physician's and Surgeon's )  
19 Certificate No. C22576 )

20 Respondent. )  
21

22 IT IS HEREBY STIPULATED by and between John  
23 Parkinson (hereinafter "respondent") with the counsel and advice  
24 of his attorney, Wayne D. Skigen, of the law firm Levine &  
25 Skigen, and complainant Ronald Joseph, in his official capacity  
26 as Executive Director of the Medical Board of California  
27 ("Board"), by and through its attorney, Daniel E. Lungren,

1 Attorney General, by Susan Meadows, Deputy Attorney General and  
2 Kerry Weisel, Deputy Attorney General as follows:

3 1. Second Supplemental Accusation No. D-5282 regarding  
4 recovery of costs pursuant to Business and Professions Code  
5 section 125.3 is presently pending against respondent,  
6 physician's and surgeon's certificate number C-22576, before the  
7 Division of Medical Quality of the Medical Board of California  
8 (hereinafter referred to as the "Board").

9 2. The complainant in said Second Supplemental  
10 Accusation, Dixon Arnett, was the Executive Director of the Board  
11 at the time the accusation was filed and brought said Second  
12 Supplemental Accusation in his official capacity only.

13 3. Respondent has fully discussed with his attorney,  
14 Wayne Skigen, the contents of the Second Supplemental Accusation  
15 and therefore has been fully advised concerning his rights in  
16 this matter. A true and correct copy of the Second Supplemental  
17 Accusation is attached hereto and made a part hereof as Exhibit  
18 A.

19 4. On or about January 20, 1995, Administrative Law  
20 Judge Jonathan Lew issued a proposed decision on the charges and  
21 allegations contained in the Accusation and Petition to Revoke  
22 Probation No. D-5282 and the First Supplemental Accusation and  
23 Petition to Revoke Probation No. D-5282. That proposed decision  
24 revoked petitioner's license to practice medicine and was adopted  
25 by the Board in its entirety on February 8, 1995. In the  
26 Decision revoking petitioner's license, Judge Lew held that the  
27 issue of cost recovery, which was requested by complainant in the

1 Second Supplemental Accusation, be deferred and taken up at a  
2 separate administrative hearing after issuance of the decision  
3 revoking respondent's license.

4 5. A hearing on the Second Supplemental Accusation was  
5 scheduled for January 8, 1996 before Judge Lew at the Office of  
6 Administrative Hearings. The sole issue pending before Judge Lew  
7 was the amount of investigative and prosecution costs that should  
8 be awarded to the Board pursuant to Section 125.3 of the Business  
9 and Professions Code. Complainant provided certifications  
10 requesting \$193,138.67 for the cost of investigation and  
11 prosecution of the matter.

12 6. Prior to taking testimony on the issue, the parties  
13 reached a settlement agreement with respect to respondent's  
14 monetary obligations to the Board under Business and Professions  
15 Code section 125.3.

16 7. Respondent hereby freely and voluntarily waives his  
17 right to a hearing on the Second Supplemental Accusation, and  
18 further, respondent agrees to waive his right to reconsideration,  
19 judicial review and any and all other rights which may be  
20 accorded him by the Administrative Procedure Act and other laws  
21 of the State of California.

22 8. Respondent further stipulates that the Board has  
23 jurisdiction under section 125.3 of the Business and Professions  
24 Code to adopt this settlement agreement as its decision and final  
25 resolution of this matter.

26 9. BASED UPON THE FOREGOING RECITALS, IT IS FURTHER  
27 STIPULATED AND AGREED that the Medical Board of California, upon

1 its adoption of the Settlement Agreement herein set forth, may,  
2 without further notice, prepare a decision as follows:

3           A. Respondent shall pay the Board, in full  
4 satisfaction of his obligations under section 125.3, the sum of  
5 \$80,000 (eighty thousand dollars) to be paid as follows:

6           (1) The sum of \$20,000 (twenty thousand dollars) shall  
7 be paid to the Board either, (1) on the first day of the month  
8 following the service by mail of the Notice of Entry of Judgment  
9 in the case entitled Parkinson, M.D. v. Medical Board of  
10 California, San Francisco Superior Court Case No. 970171, or (2)  
11 within 20 days after service of the Notice of Entry of Judgment  
12 in the above cited action, whichever date is later. This payment  
13 and any and all future payments shall be made payable to the  
14 Medical Board of California, and shall be mailed or delivered to  
15 David Thornton, Medical Board of California, 1426 Howe Avenue,  
16 Suite 93, Sacramento, California, 95825-3236

17           (2) After the first installment is paid as set forth  
18 in paragraph 9 (a) (1), respondent shall pay the remaining  
19 balance by making 8 quarterly installments of \$7,500 (seventy-  
20 five hundred dollars) to be paid over a two year period. The  
21 first of these quarterly installments shall be due on the first  
22 day of whatever month is three full months after the initial  
23 \$20,000 payment is due. That is, if the initial \$20,000 payment  
24 is due on the first of a month, then the first quarterly  
25 installment shall be due on the first day of the third following  
26 month; if the initial \$20,000 payment is due on a day other than  
27 the first day of a month, then the first quarterly installment

1 shall be due on the first day of the fourth following month.

2 Each subsequent quarterly installment shall be due on the first  
3 day of the month in which the payment is due.

4 (3) If any of the above payments is more than 15 days  
5 late, then interest shall accrue from the date the payment was  
6 due at the rate of 10 percent interest per annum compounded daily  
7 on the amount that is in arrears.

8 (4) In the event that any of the above installments,  
9 including compounded interest, if applicable, is more than twenty  
10 days overdue, the Board, upon giving respondent written notice,  
11 shall have the right to enforce this settlement agreement  
12 pursuant to Business and Professions Code section 125.3.

13 (5) The parties agree that this settlement agreement  
14 shall be deemed null and void only if the Superior Court in the  
15 case entitled Parkinson, M.D. v. Medical Board of California, San  
16 Francisco Superior Court Case No. 970171 remands the action back  
17 to the Medical Board of California with a directive that each and  
18 every finding of fact, conclusion of law, and penalty as set  
19 forth in the Board's Decision dated February 8, 1995 in Case No.  
20 D-5282 be vacated and reinstatement of respondent's physician's  
21 and surgeon's certificate is ordered.

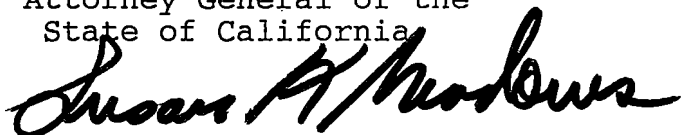
22 (6) The parties agree that this agreement shall remain  
23 in full force and effect even if respondent should seek appellate  
24 review of the Board's disciplinary order and decision and the  
25 appellate court upholds any of the findings of fact or  
26 conclusions of law of Decision No. D-5282. If the appellate  
27 court should vacate all of the Board's findings and hold that

1 respondent committed no violation of the Medical Practice Act,  
2 then the parties agree that the return of any monies that  
3 respondent has already paid to the Board under this settlement  
4 agreement shall be left to the Court of Appeals' discretion.

5 10. IT IS FURTHER STIPULATED AND AGREED that the terms  
6 set forth herein shall be null and void, and in no way binding  
7 upon the parties hereto, unless and until accepted by the Medical  
8 Board of California. Respondent further agrees that in addition  
9 to submitting this settlement agreement to the Board for  
10 acceptance, complainant's counsel may also submit a memorandum  
11 recommending the agreement's adoption. Respondent further agrees  
12 that the memorandum recommending adoption shall not, under any  
13 circumstances, be discoverable or disclosed to respondent.

14  
15 DATED: January 11, 1996

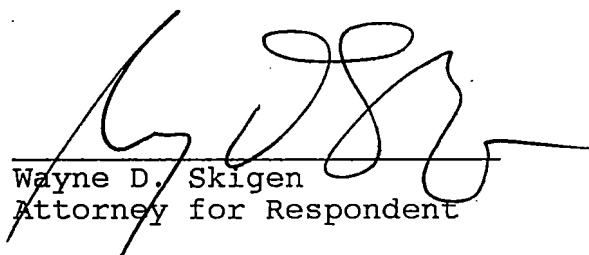
16 DANIEL E. LUNGREN  
17 Attorney General of the  
18 State of California



19 Susan K. Meadows  
20 Kerry Weisel  
21 Deputy Attorneys General

22 Attorneys for Complainant

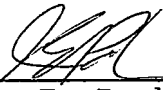
23 DATED: January 22, 1996

24  
25   
26 Wayne D. Skigen  
27 Attorney for Respondent

I HEREBY CERTIFY that I have read this Settlement

1 Agreement in its entirety, that I fully understand the terms of  
2 the Settlement Agreement, and I voluntarily agree to them.

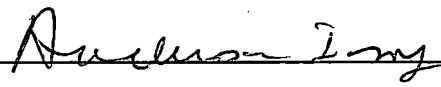
3 IN WITNESS THEREOF, I affix my signature this 13 day  
4 of Jan, 1996 at San Francisco, California.

5  
6   
7 John E. Parkinson  
8 Respondent  
9

10 DECISION AND ORDER

11 The above Settlement Agreement is adopted and shall  
12 become the decision of the Medical Board of California, Division  
13 of Medical Quality effective FEBRUARY 5, 1996.

14 IT IS SO ORDERED this 5th day of FEBRUARY, 1996.

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17 Division of Medical Quality  
18 Medical Board of California  
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26  
27

**EXHIBIT A**



1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 SUSAN K. MEADOWS, State Bar No. 115092  
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3 Deputy Attorneys General  
455 Golden Gate Avenue, Suite 6200  
4 San Francisco, California 94102-3658  
Telephone: Meadows: (415) 703-2509

5 Attorneys for Complainant

6  
7 BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
8 STATE OF CALIFORNIA  
9

10 In the Matter of the Accusation )  
and Petition to Revoke Probation )  
11 Against: )

No. D-5282  
OAH No. N 08115

12 John Parkinson, M.D. )  
1900 Pennsylvania Ave, )  
13 Fairfield, CA 94533 )  
Physician's and Surgeon's )  
14 Certificate No. C22576, )

SECOND SUPPLEMENTAL  
ACCUSATION AND PETITION  
TO REVOKE PROBATION

15 Respondent. )  
16 )  
17 )

18 Complainant Dixon Arnett further supplements the  
19 accusation and petition to revoke probation and the first  
20 supplemental accusation and petition to revoke probation as  
21 follows:

22 1. The allegations of paragraphs 1 through 8,  
23 inclusive, of the accusation and petition to revoke probation  
24 filed in this matter are incorporated in this document by  
25 reference as if fully set forth.

26 2. Under Business and Professions Code section  
27 125.3(a), the board may request the administrative law judge to

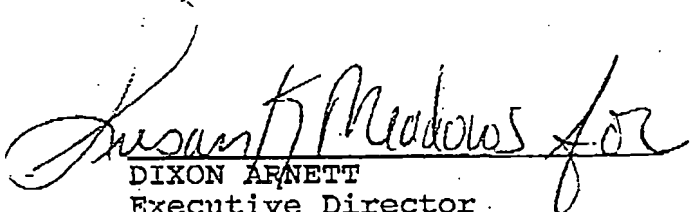
1 direct a licentiate found to have committed a violation or  
2 violations of the licensing act to pay a sum not to exceed the  
3 reasonable costs of the investigation and enforcement of the  
4 case.

5 3. Under Business and Professions Code section  
6 125.3(c), these costs shall include the amount of investigative  
7 and enforcement costs up to the date of the hearing, including,  
8 but not limited to, charges imposed by the Attorney General.

9 4. Under Business and Professions Code section  
10 125.3(d), when requested, the administrative law judge shall make  
11 a proposed finding of the amount of reasonable costs of  
12 investigation and prosecution of a case.

13 WHEREFORE complainant requests that the Board hold a  
14 hearing on the matters alleged in the accusation and petition to  
15 revoke probation and the first supplemental accusation and  
16 petition to revoke probation and, after the hearing, issue an  
17 order suspending or revoking respondent's physician and surgeon's  
18 certificate No. C-22576, awarding costs of investigation and  
19 prosecution as proved at the hearing pursuant to Business and  
20 Professions Code section 125.3, and taking such other and further  
21 action as is deemed just and proper.

22 DATED: 2/17/94

23  
24   
25 DIXON ARNETT  
26 Executive Director  
27 Medical Board of California  
State of California  
Complainant

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parkinson.su2